



UNITED STATES PATENT AND TRADEMARK OFFICE

A

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,508	07/25/2003	Gianni Fasan	5154P001	3262

8791 7590 04/11/2005

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER

DOAN, ROBYN KIEU

ART UNIT PAPER NUMBER

3732

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/627,508

Applicant(s)

FASAN, GIANNI

Examiner

Robyn Doan

Art Unit

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4, 8-9, 11 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marquez (5865188) in view of Vallis (3949765).

With regard to claims 1-2, 4, 8-9 and 11, Marquez discloses a brush for straightening the hair (figs. 1 and 6) comprising a first brush head (10) having a first plurality of bristle groups (16, 21) extending therefrom, a second brush head (12) pivotally coupled to the first brush head by a resilient member (128, fig. 6), the second brush head having a second plurality of bristle groups (24) extending therefrom. Marquez does not disclose a guide pin disposed within each of the first and second plurality of bristle groups, each of the guide pin extending farther from the first and second brush heads than each of the first and second plurality of bristle groups and also the guide pin being made of synthetic material. Vallis discloses a brush for drying a lock of hair (figs. 1-5) comprising a brush head (1) having a plurality of bristle groups (col. 2, lines 29-30) and a guide pin (8 or 19 fig. 5) being disposed within the plurality of bristle groups and extending farther from the bristle brush head than the bristle groups (figs. 1-

Art Unit: 3732

3, 5). The guide pin being made of synthetic material (col. 2, lines 60-61). It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the guide pin as taught by Vallis into the hair brush of Marquez for the purpose of an easy way to penetrate the hair through the scalp. In regard to claims 15-17, Marquez in view of Vallis are capable to perform the claimed method steps.

Claims 2, 7 and 10, 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marquez in view of Vallis as applied to claims 1, 8 and 15 above, and further in view of Sanduja et al (5888578)

With regard to claims 2, 7 and 10, 14-15, Marquez in view of Vallis disclose a hair brush comprising all the claimed limitations in claims 1, 8 as discussed above except for the guide pin being coated with ions and the material of the bristles being boar bristles. Sanduja et al discloses a brush comprising bristles being coated with ions (col. 4, lines 61-63). It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the ionized coating onto the bristles as taught by Sanduja et al into the hairbrush of Marquez in view of Vallis for the intended use purpose. And it would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the boar bristles, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

Claims 5-6 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marquez in view of Vallis as applied to claims 1, 8 above, and further in view of Gress et al (4217915).

With regard to claims 5-6 and 12-13, Marquez in view of Vallis disclose a hair brush comprising all the claimed limitations in claims 1, 8 as discussed above except for at least one of the brush heads comprising a rounded portion opposite the bristles and having a ceramic material disposed thereon. Gress et al discloses a hair brush (fig. 2) comprising a brush head plurality of bristles (1), a rounded portion (8) being opposite the bristles and a ceramic material (15) being disposed on the brush head. It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the ceramic material and rounded portion as taught by Gress et al into the hairbrush of Marquez in view of Vallis for the intended use purpose.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ivanov, Staiano, Nakamura are cited to show the state of the art with respect to a hair brush.

The drawings filed 07/25/03 have been approved by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robyn Doan whose telephone number is (571) 272-4711. The examiner can normally be reached on Mon-Fri 8:30-6:00.

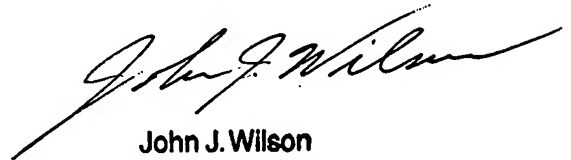
Art Unit: 3732

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robyn Doan
April 7, 2005



John J. Wilson
Primary Examiner